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Eighteenth session

SUMMARY RECORD OF THE 374th MEETING

Held at Headquarters, New York,
on Wednesday, 28 January 1998 at 3 p.m.

Chairperson: Ms. KHAN

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The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Combined second and third periodic reports of Bulgaria (continued) (CEDAW/C/BGR/2-3)

1. At the invitation of the Chairperson, Ms. Primatarova (Bulgaria) took a place at the Committee table.

2. Ms. LIN Shangzhen reiterated the view of other members that the Bulgarian Government must set up a body to deal exclusively with women's issues: women, being more vulnerable generally and hardest hit by the difficulties inherent in a period of transition, needed special protection. Neither the Permanent Intergovernmental Council for the implementation of the National Action Plan nor the Foreign Ministry, acting as focal point, could give due attention to all aspects of the issue of gender equality; nor could the projected office of human rights Ombudsman. She hoped, furthermore, that the Government would, beyond simply protecting women's rights, take affirmative action under article 4, paragraph 1, to help women achieve equality.

3. Ms. PRIMATAROVA (Bulgaria), thanking the Committee for its constructive remarks and its interest in her country's situation, observed that members would find many of the answers to the impressive number of questions they had raised, which could not now be dealt with fully, in four documents that would be made available to them. The 1996 National Action Plan drawn up in conjunction with the United Nations Development Programme (UNDP) by the National Council on Social and Demographic Issues, recently renamed the National Council on Ethnic and Demographic Issues, gave special attention to the Roma, and a governmental report of February 1997 also provided considerable information on the education and status of the Roma and set out a programme, developed with the assistance of United Nations specialized agencies, to solve their problems. Bulgaria was working to integrate that ethnic group into society and would be cooperating with the European Union on that score, for the success of its European candidacy had been made contingent upon such efforts. Lastly, her Government's 1997 reports to the Committee on the Rights of the Child and the Committee on the Elimination of Racial Discrimination also contained a considerable amount of information relevant to the concerns of Committee members.

4. Replying to questions raised at the 373rd meeting, she said that the bill establishing a post of human rights Ombudsman would be the subject of two forthcoming seminars: a meeting of Council of Europe Ombudsmen and a UNDP workshop. Her Government was aware of the need to give a clear mandate as to how to approach gender issues. As for the establishment of special machinery for women, the National Action Plan had set up an intergovernmental agency for that purpose, chaired by the Minister for Social Welfare. That Minister was a man, but the hope was to involve women in running the agency, which was why the Ministry of Foreign Affairs, in which several women held senior posts, had been named the focal point. It should be noted that the reform of the Government, a priority for Bulgaria's accession to the European Union, was still in progress.

Two bills, on general administrative reform and civil service reform, were before Parliament; such legislation would help to find a proper place for the national machinery for women.

5. Some affirmative action had already been taken for women: the retirement age for women had been set at 55 years - in compensation for the double burden of family responsibilities and employment that women normally carried - as against 60 years for men, although both ages would have to be raised for European Union accession. Affirmative action in some fields needed careful preparation, so as not to jeopardize the major gains already achieved by women in certain others, such as the judiciary, where they were in fact over-represented. As for the need for affirmative action in employment, it should be clarified that the figure of 500,000 unemployed persons included both sexes, and that women had actually fared better: in 1996, 258,000 men had been unemployed as against 232,000 women. The painful transition to a market economy, entailing the closing of State enterprises, had been a hardship for everyone in the country, but there had been no discrimination against women in particular.

6. She had no statistics on violence against women, traffic in women, prostitution or paedophilia, but she could assure the Committee that the latter was not an acute problem in Bulgaria. All those phenomena were new ones, caused by the difficulties of transition; they also had an international and regional dimension, which meant that action to combat them must be taken jointly with other countries. Bulgaria had made such action a priority, and was already cooperating in efforts in the south-east European region to combat organized crime, patterned on similar cooperative efforts in the Baltic region. Those efforts had already been successful in exposing international crime rings. In addition, by way of domestic action, the Ministry of the Interior, the Ministry of Justice and Parliament each had a working group that was investigating citizens' complaints of violence against women. On all those issues, the Government was aware of the need to conduct information campaigns, in conjunction with non-governmental organizations and the media, to raise public awareness; such action was, perhaps, more of a necessity than new legislation. The Government was committed, above all, to preventive action.

7. Regarding health policy, Bulgaria was cooperating closely with other countries and the European Union on the questions of abortion and contraception, particularly in the context of the family planning programme referred to in paragraph 122 of the report, which was to be a major programme with funding of 200,000 European currency units (ECUs). The Government had, in addition, introduced a new public health system, providing free care in regional institutions. The system was transitional, and would be restructured after two years.

8. The elderly, especially elderly women, had indeed been hard hit financially by the economic reforms, and programmes of financial support had been set up specifically for all those who had been thus impoverished.

9. Although for technical reasons the Convention had not been published in Bulgaria, the Supreme Court had recently ruled that that had not affected its enforcement. The Convention had, at any rate, been translated and publicized.

10. Transitional problems, such as unemployment and poverty, were currently very severe in Bulgaria because of the abnormal macroeconomic situation - the inflation rate in the past year had been 560 per cent - and the harsh economic restrictions that had resulted. The proposed budget for 1998, however, aimed to reduce inflation to 16.8 per cent, which should help the overall situation. She assured the Committee that all its questions would eventually be answered in detail; she herself would convey them and the Committee's recommendations to the Council of Ministers.

11. The CHAIRPERSON commended the Bulgarian representative for her helpful introductory statement and her replies clarifying the situation in her country. The ratification of most of the international instruments relating to women was welcome, as were the incorporation of the Convention into domestic law and the withdrawal of Bulgaria's reservation to the Convention. The possibility of allowing the Convention to be invoked in court should also be considered.

12. The fact that some women occupied senior positions did not obviate the need to attend to the plight of more vulnerable women, especially those who were among the 80 per cent of Bulgarians apparently living below the poverty line. Furthermore, violence against women and prostitution were not simply regional problems; they were a matter of law enforcement and also a structural problem of Bulgarian society. Since the Government seemed to be aware of those problems, it should use affirmative action in such areas as employment and poverty alleviation in order to combat them and to ensure women's de facto equality. She hoped that the next report would show that those issues had been addressed.

13. Ms. Primatarova (Bulgaria) withdrew.

IMPLEMENTATION OF ARTICLE 21 OF THE CONVENTION (continued)

14. Ms. RYEL reported on an expert group meeting sponsored by the United Nations Educational, Scientific and Cultural Organization (UNESCO) from 24 to 28 September 1997 in Oslo, Norway, on "Male roles and masculinities in the perspective of a culture of peace". The meeting had brought together peace and gender researchers and activists to examine gender-related factors that hindered the development of a culture of peace. The experts had recommended, inter alia, support for community-based programmes among men and boys to prevent violence against women; the compilation by UNESCO of an international directory of resources and men's organizations working to end violence against women; and the development of curriculum resources and textbooks depicting non-violent, non-aggressive behaviour by men. They had also urged the adoption of State-sponsored paternity leave, in addition to maternity leave, and encouraged Governments, business and unions to develop family-friendly forms of working life, including training programmes to end workplace sexual harassment. While it was mainly men and male researchers who had participated in the meeting, their recommendations were important for women because men's roles were central to gender equality.

15. Ms. OUEDRAOGO reported on a meeting of experts on the rights of adolescent girls, held in Addis Ababa, Ethiopia, from 13 to 17 October 1997 and organized jointly by the Division for the Advancement of Women, the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA) and the

Economic Commission for Africa. The meeting had been devoted to three themes: the creation of a favourable environment for the emancipation of teenage girls; the special need for social protection of adolescent girls; and teenage health, including sexual and reproductive health. It had concluded that all States should ratify both the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, that customary law should be brought into line with international treaties and that greater qualitative and quantitative information was needed on adolescent girls and the factors which affected their rights in society. The meeting had also recommended that specific programmes should be developed for adolescent girls, to protect and promote their well-being and enhance their capabilities.

16. Mr. AMOR (Special Rapporteur of the Commission on Human Rights on religious intolerance) said that, in fulfilling his mandate, he often had to address issues of women's status and position as they related to religion. Very frequently, the argument that women's status was a function of a country's specific situation or culture was a comfortable alibi for preserving intolerable situations that limited women's humanity and relegated them to an inferior status.

17. States' reservations to certain international instruments on the status of women could not be explained by cultural considerations alone, however, especially when cultures were not immutable. The status of women in certain religions must be analysed in a dynamic way. He had been shocked by the official attitude in some States towards women, but sometimes it was society, not the State, which was responsible for discrimination against women. Discrimination could not be ended unless attitudes changed, which meant that non-governmental organizations, the family, schools and religious authorities must all work to eliminate discrimination. Unfortunately, schools did not play their role fully. In a recent survey of school textbooks, he had found that the image of women presented to school children was appalling. It was time to make schools contribute more actively to the emergence of a culture of human rights and non-discrimination against women. Although international law was relatively well developed in that regard, reality had not yet caught up with the law. A change of mentality was required, and the law provided only the initial impetus for such change.

18. The special rapporteurs and representatives of the Commission on Human Rights tried to coordinate their activities as much as possible, in order to ensure that, in implementing their mandates, they focused special attention on anything that might contribute, even modestly, to improving the status of women and stamping out discrimination against them.

19. Ms. AOUIJ said that the Special Rapporteur's statement went right to the heart of the matter. The dialogue fostered by the Committee would strengthen cooperation and coordination among all relevant United Nations bodies and non-governmental organizations, heighten the international community's awareness of gender-specific issues and lay bare the extent to which women were discriminated against worldwide.

20. The Special Rapporteur's mandate was to combat hatred, intolerance and acts of violence based on religious extremism and to bring people closer together

through a culture of openness and acceptance; the current wave of discrimination suffered by women in many countries was linked to religion, and violence against women was often committed in the name of religion or religious culture. Not only must such violence cease, but it must be prevented through an international strategy that put pressure on all States to halt crimes against women and violations of women's fundamental rights. A proper understanding of religion could contribute to the advancement of nations or peoples; religion should never be used as an alibi for underdevelopment and obscurantism.

21. Ms. CORTI agreed that cultural or religious specificity was sometimes invoked as an excuse for violence against women. It was indeed scandalous that, at the end of the twentieth century, religion and culture were still being used to keep women in the background. A new, modern culture would be needed in the next century to promote peace and equality between men and women. She agreed fully with the Special Rapporteur that schools should promote a new human rights culture. The Committee was seriously concerned about the large number of States that had entered reservations to the Convention on grounds of religion. States would make far more progress in the area of human rights and gender equality if there were no reservations, especially reservations to those articles which were the very foundation of the Convention. In implementing his mandate, the Special Rapporteur should therefore prevail upon States parties to withdraw such reservations.

22. Ms. ABAKA said that the issue of religious intolerance had significant implications in the medical field. Although, in many States, freedom of religion was enshrined in the Constitution, religious intolerance sometimes threatened the basic right to life itself, for example, in the case of religions which denied women the right to receive blood transfusions. Sometimes, when Governments did intervene it was too late. It would be interesting to know how many women had lost their lives because of such forms of religious intolerance.

23. Ms. GONZALEZ said that information should be gathered about various sects in the United States of America which were violating human rights, especially the rights of women and children. Such sects, which often described themselves as churches, committed atrocities against human dignity under cover of freedom of belief and religion.

24. Ms. JAVATE DE DIOS observed that the Committee had never really tried to establish a linkage between women and religious intolerance, although religion often affected the lives of women and girls from birth to marriage and beyond, and even their control over their own bodies and reproductive functions. Religion had been used over and over again to reinforce social attitudes and practices that marginalized women and confined them to second class status in society. The reports of States parties showed that religion and culture were the ideological underpinning for many practices which were harmful to women, and those were areas in which States often seemed to be quite resistant.

25. The work carried out by the Special Rapporteur was very important to the Committee; she requested further information on the Special Rapporteur's survey and recommendations. She asked whether the Special Rapporteur had considered using a gender perspective in analysing the major religions of the world, for example, on the issue of women's exclusion from decision-making and consignment

to a lower status within religious hierarchies. Another relevant issue was respect for indigenous belief systems and religions, since women in many societies adhered to indigenous belief systems which were not recognized by other, institutionally based religions.

26. The CHAIRPERSON pointed out that two reports by the Special Rapporteur, contained in documents A/52/477 and Add.1, were available to the Committee.

27. Mr. AMOR (Special Rapporteur of the Commission on Human Rights on religious intolerance) said that it was not possible to claim to believe in human rights while excluding half of humanity - mothers, sisters and daughters - from those rights. The situation of women must always be scrutinized, since religious considerations were often invoked to justify discrimination against them. In his next report to the Commission on Human Rights, he would formally request the Commission to undertake special studies on the status of women from the standpoint of religion. It was urgent to look into the relationship between religion and women, especially since international human rights instruments were often weakened by the reservations and declarations made at the time of their adoption.

28. There was often a tendency to confuse religion with religious practice and to judge religions by their practices, rather than practices by their religions. It must be borne in mind that not everything that was done in the name of religion corresponded to the teachings of the religion concerned; for example, a religion which was followed faithfully in one country might be a vehicle for obscurantism and oppression of women in another.

29. Freedom of belief was fundamental; no one had the right to impose a belief on others. The freedom to believe, or not to believe, was absolute and could not be restricted, except for the sake of law and order in certain very specific and extremely limited circumstances. Freedom of religion could not be called into question just because some people chose to misuse it. There was also a tendency to confuse religions and sects; there were many kinds of sects, and some of them consisted of very pious people who simply wished to live in their own way, while some religions, ancient or less ancient, tended to restrict freedoms and degenerate into obscurantism. The distinction between freedom of belief and freedom to manifest one's belief must always be borne in mind. There was also the question of how far freedom of belief could go. The right to life was primordial, so that, for example, refusal to allow blood transfusions was a serious violation of human rights; when two rights conflicted, the right to life must prevail.

30. The CHAIRPERSON said that the Committee's main objective was to establish equality, especially equality for women. Peace, understanding and stability were needed to create an environment of equality. Religious intolerance made women vulnerable; their lives, and the lives of their children, could be endangered, and sometimes they became virtual prisoners of society. Culture and religion were intertwined and it was they, rather than any inequality in law, that often caused women to be deprived of their basic rights.

31. There was a pattern of reservations to the Convention on religious grounds, particularly to articles 2 and 16, both of which were of critical importance.

Such reservations often overlooked the fundamental message of religion, and there was considerable inconsistency among the various States making reservations in the name of the same religion. She agreed that education in religious tolerance was the only solution. The Committee had already decided that its contribution to the fiftieth anniversary of the Universal Declaration of Human Rights would be a statement about reservations, particularly in the context of article 2 of the Convention. She agreed that there was a need to place more emphasis on ways of tackling situations of religious intolerance. An environment of religious tolerance was needed, and that would also contribute to the implementation of the Convention and the elimination of discrimination against women.

The meeting rose at 5 p.m.